

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 21844 of 2002

Between:

Duggirala Venkata Ramana,

S/o Chalapathi Rao, A/39 years, R/o Purushotham Enclave,

Anand Nagar, Kairatabad, Hyderabad.

..... PETITIONER

AND

1. Government of A.P.,

Represented by its Chief Secretary and Chairman, Pollution
Control Board, Secretariat, Hyderabad.

2. A.P. Pollution Control Board,

Represented by the Member Secretary, HUDA Mythrivan,
Ameerpet, Hyderabad.

3. M/s Aristo Pharmaceuticals,

Represented by its Managing Director,

6-3-629, Anandnagar Colony, Kairatabad, Hyderabad.**RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction on the part of the respondents in initiating action on the complaint dated 03-08-2002 given by the petitioner as arbitrary and illegal and consequently direct the respondents 1 and 2 to take appropriate action against the third respondent basing on the complaint dated 03-08-2002 given by the petitioner and further direct the third respondent to shift the Pharmaceutical Go-down situated in the midst of residential area at 6-3-629, Anandnagar Colony, Kairatabad, Hyderabad to any industrial area.

Counsel for the Petitioner: MR.G.VIVEKANAND

Counsel for the Respondent Nos.1 and 2: Mr.S.V. Bhatt

Counsel for the Respondent No.3: Smt. G. Sudha –(not present)

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Petitioner alleged to have submitted a complaint on 2.8.2002 before respondents 1 and 2 and since no action was taken, he filed this petition seeking direction against respondents 1 and 2 basing on his complaint and thereafter to direct the 3rd respondent to shift the Pharmaceutical Godown situated in the midst of the residential area of Anandnagar Colony, Khairatabad, Hyderabad.

Affidavit in reply has been filed by the 2nd respondent stating that on receipt of complaint, inspection was carried out by the officials of the respondent-Board and during inspection, no smell was observed by them from the godown. The representatives of the unit have informed the officials of the Board that they have obtained Trade Licence from MCH vide licence No. 050-322-0681 to store harmless medicines. It was also informed by them that the godown and the office are operated in between 10.00AM and 6.00 PM., and generally not more than 10 trucks are received in a month and that the vehicles will be parked inside the premises for loading and unloading purposes. It is stated that pursuant to the complaint, the respondent-Board inspected the site and it was observed that no person by name Sri Duggirala Venkata Ramana was residing in Pursuhottham Enclave located at 6-3-629/4, Anandnagar, Hyderabad. The watchman of the Apartment, by name, K. Narasimha was present and he informed the officials of the Board that he had been working in that apartment for the last six years and nobody by name Sri D. Venkata Ramana is staying in the apartment. Further, the Board called the complainant and

the 3rd respondent for legal hearing on 21.11.2002 and 28.11.2002, but the complainant failed to attend the same.

In view of the stand taken by the 2nd respondent in the affidavit in reply, no other or further directions deserves to be issued in this petition, except, that in case petitioner still has any grievance, he may file appropriate representation before respondents 1 and 2 and as and when such a representation is filed, it will be open for the respondents 1 and 2 to consider the same. In case, respondent No.3 is found to be violating any provisions of the Environmental Law, respondents 1 and 2 shall issue appropriate directions for taking up appropriate remedial measures and on respondent No.3 not complying with the same, to initiate such action as is permissible under law.

The writ petition is accordingly disposed of. No costs.

DEVINDER GUPTA,CJ

DATE: 22nd JULY, 2004

C.V. RAMULU,J

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To

1. The Chief Secretary and Chairman, Government of A.P.,
Pollution Control Board, Secretariat, Hyderabad.

2. The Member Secretary, A.P. Pollution Control Board,
HUDA Mythrivan, Ameerpet, Hyderabad.

3. Two CD copies